

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

LOUIS FASULLO,)
)
)
Plaintiff,)
)
)
vs.) **CIVIL NO. 08-cv-583-JPG**
)
)
PEOPLE of the UNITED STATES, et al.,)
)
)
Defendants.)
)

MEMORANDUM AND ORDER

GILBERT, District Judge:

Plaintiff, currently a prisoner in the Stateville Correctional Center, has filed a pro se civil rights complaint pursuant to 42 U.S.C. § 1983. He also seeks to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915.

A prisoner may not bring a civil action or appeal a civil judgment under 28 U.S.C. § 1915 “if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g). Section 1915(g) requires that this Court consider prisoner actions dismissed prior to, as well as after, the PLRA’s enactment. *See Evans v. I.D.O.C.*, 150 F.3d 810, 811 (7th Cir. 1998); *Abdul-Wadood v. Nathan*, 91 F.3d 1023 (7th Cir. 1996).

Plaintiff has had at least three prior prisoner actions dismissed in this District on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted. *See*,

e.g., Fasullo v. Fasullo, Case No. 06-cv-404-GPM (S.D. Ill., dismissed as frivolous, Dec. 12, 2006); *Fasullo v. Fasullo*, Case No. 07-cv-100-MJR (S.D. Ill., dismissed as frivolous, Feb. 14, 2007); *Fasullo v. People of the United States*, Case No. 06-cv-835-MJR (S.D. Ill., dismissed as frivolous, March 26, 2007); *Fasullo v. People of the United States*, Case No. 07-cv-116-MJR (S.D. Ill., dismissed as frivolous, March 26, 2007). Further, the allegations in the instant complaint do not show that Plaintiff is under imminent danger of serious physical injury.

IT IS THEREFORE ORDERED that the motion for leave to proceed *in forma pauperis* is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff shall pay the full filing fee of \$350 for this action within **FIFTEEN (15) DAYS** of the entry of this Order.

IT IS FURTHER ORDERED that if Plaintiff does not comply with this Order in the time allotted, this case will be closed for failure to comply with an order of this Court. FED.R.CIV.P. 41(b); *see generally Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7th Cir. 1994).

IT IS SO ORDERED.

Dated: September 8, 2008.

s/ J. Phil Gilbert
U. S. District Judge